

# Court of Appeals, State of Michigan

## ORDER

Tracy Neal v Department of Corrections

Docket No. 285232

LC No. 96-006986-CZ

Jane M. Beckering  
Presiding Judge

Richard A. Bandstra

Joel P. Hoekstra  
Judges

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The motion for immediate consideration is GRANTED. The motion to waive the transcript requirements is GRANTED. The motion for leave to file a motion to enforce this Court's jurisdiction pursuant to MCR 7.208(C) is GRANTED.

The Court orders that the motion to enforce this Court's jurisdiction pursuant to MCR 7.208(C) is DENIED. This appeal presents, by leave granted, as an interlocutory appeal. Appeals presenting in such posture confer upon this Court a jurisdiction that is significantly more limited than the jurisdiction that is conferred upon the Court in an appeal by right. This Court's jurisdiction is limited only to those issues raised in Appellees' May 2, 2008 application for leave to appeal, which pertain to the April 14, 2008 order denying Appellees' motion for judgment notwithstanding the verdict, or in the alternative, new trial. *Bass v Combs*, 238 Mich App 16, 24; 604 NW2d 727 (1999), overruled in part on other grounds *Dimmitt & Owens Financial, Inc v Deloitte & Touche (ISC), LLC*, 481 Mich 618, 628; 752 NW2d 37 (2008). An interlocutory appeal does not divest the trial court of jurisdiction to proceed with other phases of the case. *Id.*, 24-25; See also *United States v Ferrantino*, 738 F2d 109 (CA 6, 1983); 5 Am Jur 2d, Appellate Review, § 316, p 121. While the granting of the application for leave to appeal divested the trial court of jurisdiction to amend or set aside the "order appealed from", MCR 7.208(A), and of the jurisdiction to correct defects in the record pertaining to the first bundled trial, MCR 7.208(C), it does not divest the trial court of the jurisdiction to proceed with the other bundled trials, *Bass*, *supra*.



A true copy entered and certified by Sandra Schultz Mengel, Chief Clerk, on

SEP 22 2008

Date

*Sandra Schultz Mengel*  
Chief Clerk